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FEDERAL REGISTER

VOLUME 20 NUMBER 86

Washington, Tuesday, May 3, 1955

TITLE 3—THE PRESIDENT

PROCLAMATION 3091

Loyalty Day, 1955

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the prime requisite for retaining our freedom is unswerving devotion to the liberties embodied in our Constitution; and

WHEREAS it is fitting that a special day be set aside for solemn re-evaluation of those priceless gifts of freedom which are our heritage, to the end that we may stimulate and renew that high sense of patriotism which has signalized our glorious history as a Nation; and

WHEREAS the Congress, by a joint resolution approved April 27, 1955, has set aside May 1, 1955, as Loyalty Day and has authorized and requested the President to issue a proclamation calling upon the people to observe that day by reaffirming their loyalty to our beloved country:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby request all our citizens to observe Sunday, May 1, 1955, as Loyalty Day with suitable ceremonies. I also request the appropriate officials to arrange for the display of the flag of the United States upon all Government buildings on that day as a manifestation of our loyalty to the Nation which that flag symbolizes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 28th day of April in the year of our Lord nineteen hundred and [SEAL] fifty-five, and of the Independence of the United States of America the one hundred and seventy-ninth.

Dwight D. Eisenhower

By the President:

John Foster Dulles,
Secretary of State.

[F. R. Doc. 55-3620; Filed, Apr. 29, 1955; 5:09 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

[FHA Instruction 449.1]

Part 385—Economic Emergency Loans

MAKING AND SERVICING ECONOMIC EMERGENCY LOANS

Section 385.5 (a) is amended to provide for the making of subsequent Economic Emergency loans to borrowers in areas where the termination date for making initial loans has passed, and to read as follows:

§ 385.5 *Making and servicing Economic Emergency loans.* (a) Sections 381.4 (a) and 381.5 to 381.11 of this chapter are hereby made applicable to the making and servicing of Economic Emergency loans, except as provided in this part, and "Economic Disaster loans" as used in the cited sections shall be interpreted to mean Economic Emergency loans.

(R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 2 (b), 67 Stat. 149)

Dated this 27th day of April 1955.

[SEAL] H. C. Smith,
Acting Administrator.
Farmers Home Administration.

[F. R. Doc. 55-3573; Filed, May 2, 1955; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 33]

Part 922—Valencia Oranges Grown in Arizona and Designated Part of California

LIMITATION OF HANDLING

§ 922.333 *Valencia Orange Regulation 33*—(a) *Findings.* (1) Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.),

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FEDERAL REGISTER

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(For use during 1955)

The following Supplement is now available:

Titles 35–37 ($0.75)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on April 28, 1955, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded

an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., May 1, 1955, and ending at 12:01 a. m., P. s t., May 8, 1955, is hereby fixed as follows:

(i) District 1: 173,250 boxes;

(ii) District 2: 46,200 boxes;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 29, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3592; Filed, May 2, 1955; 8:56 a. m.]

[Lemon Reg. 586, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.693 (Lemon Regulation 586; 20 F. R. 2703) are hereby amended to read as follows:

(ii) District 2: 500 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 28, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3569; Filed, May 2, 1955; 8:49 a. m.]

[Docket No. AO-179-A13]

PART 975—MILK IN THE CLEVELAND, OHIO, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

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AUTHORITY: §§ 975.0 to 975.96 issued under sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c.

§ 975.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Cleveland, Ohio, during November 30–December 9, 1954, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act:

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expense, 3 cents per hundredweight, or such amount not exceeding 3 cents per hundredweight, as the Secretary may prescribe with respect to all receipts within the delivery period, of milk from producers at pool plants (including such handler's own production) and of all other source milk allocated to Class I pursuant to § 975.56 (b) and the corresponding portion of § 975.57: *Provided*, That such payment shall not be made with respect to any milk subject to a payment required under the provision for expense of administration of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area.

(b) *Additional findings*. It is necessary in the public interest to make this order amending the order, effective not later than May 1, 1955. Any delay beyond that date in making this order amending the order effective will tend to disrupt the orderly marketing of milk in the Cleveland, Ohio, marketing area. The changes effected by this order amending the order do not require persons affected to make substantial or extensive preparation prior to the effective date. Proposed amendments which would result in changes similar to those effected by this order amending the order were considered at a public hearing held during November 30–December 9, 1954; a recommended decision in this proceeding, to which interested parties were given an opportunity to file written exceptions, was issued on March 31, 1955, and a final decision was issued on April 21, 1955. Under these circumstances persons affected by this order amending the order have been afforded a reasonable time within which to prepare for its effective date. Therefore, good cause exists, pursuant to sec. 4 (c) of the Administrative Procedure Act (Public Law 404, 79th Congress, 60 Stat. 237), for making this order amending the order effective May 1, 1955.

(c) *Determinations*. It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, which is marketed within the Cleveland, Ohio, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who, during the determined representative period (January 1955), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Cleveland, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 975.1 *Act*. "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 975.2 *Secretary*. "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 975.3 *Department of Agriculture*. "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 975.4 *Market administrator*. "Market administrator" means the agency described in § 975.20.

§ 975.5 *Person*. "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 975.6 *Cleveland, Ohio, marketing area*. "Cleveland, Ohio, marketing area" hereinafter called the "marketing area," means all territory, including but not being limited to all municipal corporations within Cuyahoga County, and within the following cities and townships of the respective, named counties: townships of Black River, Sheffield, Avon Lake, Avon, Amherst, Elyria, Ridgeville, Carlisle, Eaton, Columbia, and Grafton in Lorain County; Willoughby, Mentor and Kirtland townships and the city of Painesville in Lake County; the city of Ashtabula in Ashtabula County; and the townships of Liverpool, Brunswick, Hinckley, York, Granger, Medina, Lafayette, and Montville in Medina County; all in the State of Ohio.

§ 975.7 *Handler*. "Handler" means (a) any person who operates a pool plant, (b) any person who operates a nonpool plant from which milk skim milk, flavored milk, or flavored milk drinks are disposed of on a route(s) in the marketing area, or (c) a cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from producers' farms to a milk plant.

§ 975.8 *Producer*. "Producer" means any person with respect to milk produced by him having the approval of the health authority of any community in the marketing area for consumption as fluid milk in such community which milk is moved directly from his farm to:

(a) A pool plant;

(b) A nonpool plant within April, May, June, or July for the account of a cooperative association or of a handler operating a pool plant. Milk so diverted shall be deemed to have been received by the handler for whose account it was diverted; or

(c) A pool plant for the account of another pool plant by diversion from the latter pool plant. Milk so diverted shall be deemed to have been received by the pool plant for whose account it was diverted.

§ 975.9 *Cooperative association*. "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 975.10 *Nonhandler*. "Nonhandler" means any person not a handler who operates a nonpool plant.

§ 975.11 *Producer-handler*. "Producer-handler" means any person who:

(a) Produces milk but receives no milk from dairy farmers; and

(b) Operates a route extending into the marketing area.

§ 975.12 *Pool plant*. "Pool plant" means a plant designated pursuant to § 975.30.

§ 975.13 *Nonpool plant*. "Nonpool plant" means any milk manufacturing or processing plant not a pool plant.

§ 975.14 *Other source milk.* "Other source milk" means all skim milk and butterfat received at any pool plant other than from producers.

§ 975.15 *Route.* "Route" means a delivery (including a sale from a plant store) of milk, skim milk, buttermilk, flavored milk, or flavored milk drink in fluid form to a wholesale or retail stop(s), including any eating place where such items are disposed of for consumption on or off the premises, other than a pool plant(s) or nonpool plant(s).

§ 975.16 *Delivery period.* "Delivery period" means the calendar month or the total portion thereof during which this part is in effect.

§ 975.17 *Eligible milk.* "Eligible milk" means the amount of milk received by a handler from a producer during each of the delivery periods of April through June which is not in excess of such producer's daily average quota computed pursuant to § 975.65 multiplied by the number of days in such delivery period on which such producer delivered milk to such handler: *Provided,* That with respect to any producer on "every-other-day" delivery to a pool plant, the days of non-delivery shall be considered as days of delivery for purposes of this section and of § 975.65.

§ 975.18 *Ineligible milk.* "Ineligible milk" means the amount of milk received by a handler from a producer during each of the delivery periods of April through June which is in excess of eligible milk received from such producer during such delivery period, and shall include all milk received from a producer for whom no daily average quota can be computed pursuant to § 975.65.

MARKET ADMINISTRATOR

§ 975.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 975.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 975.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of funds provided by § 975.86:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 975.87, necessarily incurred by him in the maintenance and functioning of his office in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 975.40, or (2) payments pursuant to §§ 975.80, 975.84, 975.86, 975.87, or § 975.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Upon request, supply on or before the 25th day after the end of each delivery period to each cooperative association not a handler with respect to producers whose membership in such cooperative association has been verified by the market administrator, a record of the pounds of milk received by each handler from member producers and the class utilization of such milk. For the purpose of this report such member milk shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were classified in each class;

(i) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or nonhandler upon whose utilization the classification of skim milk and butterfat for such handler depends;

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 6th day after the end of such delivery period the minimum prices for Class I, Class II, and Class III milk computed pursuant to §§ 975.61, 975.62, and 975.63, respectively.

(2) On or before the 14th day after the end of such delivery period the uniform price computed pursuant to § 975.73, and for April, May, and June the price for eligible milk and the price for ineligible milk, computed pursuant to §§ 975.74 and 975.75, respectively, and the butterfat differential computed pursuant to § 975.82;

(k) On or before April 1 of each year provide written notice to: (1) Each producer who made deliveries of milk during the previous October through December as to his daily average quota computed pursuant to § 975.65, (2) each cooperative association as to the daily average quota of each member of such association, and (3) each handler as to the daily average quota of each producer from whom such handler received milk; and

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

POOL PLANT

§ 975.30 *Designation.* A pool plant shall be any plant meeting the conditions of paragraphs (a), (b) or (c) of this section except a bottling plant operated by a producer-handler, or the plant of a handler exempted in § 975.90:

(a) Any plant at which milk is bottled and from which milk, skim milk, buttermilk, flavored milk or flavored milk drinks are distributed (either directly, through depots, or to vendors) in fluid form during the month on routes operated wholly or partially within the marketing area: *Provided,* That the total quantity distributed during the month on all routes operated inside or outside the marketing area is equal to 50 percent, or more, of the receipts from producers, or from other plants, of milk approved by the appropriate health authority for fluid use;

(b) Any plant which, having the approval of the appropriate health authority in the marketing area, has during the month delivered to a pool plant(s) described in paragraph (a) above an amount of milk equal to 30 percent of its dairy farm supply of milk: *Provided,* That such plant shall continue to be designated as a pool plant for such consecutive succeeding months as the 30 percent average is maintained: *And provided further,* That if during the period of August through January such plant has delivered to a pool plant(s) described in paragraph (a) of this section, 10 percent or more of its total dairy farm supply during each month and 30 percent or more during the entire period, such plant shall, upon written application to the market administrator on or before January 31 of any year, be designated as a pool plant through July 31 of the same year and each month thereafter, through January 31 of the following year, that it delivers 10 percent or more of its total dairy farm supply to a pool plant(s) described in paragraph (a) of this section; or

(c) The following plants during the period from the effective date hereof through January 31, 1956 shall be considered to have qualified as pool plants under the second proviso of paragraph (b) of this section:

(1) Any plant which was a pool plant in April 1955; and

(2) Any plant for which, on the basis of evidence presented to him, the market administrator determines that shipments during the period August 1954

through January 1955 would have met the standards specified in the second proviso of paragraph (b) of this section.

All pool plants operated by a handler may be considered as one plant for the purpose of meeting the percentage requirements of paragraphs (b) and (c) of this section if the handler submits a written request to the market administrator prior to the delivery period for which such consideration is requested.

§ 975.31 *Replacement.* A plant which replaces a pool plant shall acquire immediately the pool plant status of the replaced plant if the operator thereof shows to the satisfaction of the market administrator that 50 percent or more of the dairy farmers delivering milk to it previously had been producers at the pool plant so replaced.

§ 975.32 *Discontinuance.* A plant shall be discontinued as a pool plant upon prior written request made by the plant operator; such discontinuance to be effective at the beginning of the first delivery period (following the market administrator's receipt of such request) within which no milk was furnished by such plant to a pool plant described in § 975.30 (a).

REPORTS, RECORDS, AND FACILITIES

§ 975.40 *Reports of receipts and utilization.* On or before the 8th day after the end of each delivery period, each handler, except a produce-handler, shall report to the market administrator with respect to, (a) all milk received from producers, (b) all skim milk and butterfat in any form received from other handlers, and (c) all other source milk received at a pool plant:

(1) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) such receipts and their sources and for the delivery periods of April through June, the aggregate quantities of eligible milk;

(2) The utilization of such receipts; and

(3) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 975.41 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) On or before the 25th day after the end of each delivery period, each handler who received milk from producers shall submit to the market administrator his producer payroll for the delivery period, which shall show:

(1) For the delivery periods of July through March, the pounds of milk, and the percentage of butterfat contained therein, received fom each producer; and for the delivery periods of April through June, the pounds of eligible milk and the pounds of ineligible milk, and the percentage of butterfat contained therein, received from each producer;

(2) The amount and date of payment to each producer (or to a cooperative association not a handler which is authorized to collect payment for the milk of such producer); and

(3) The nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

§ 975.42 *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization of all skim milk and butterfat required to be reported pursuant to § 975.40 or § 975.41 (a);

(b) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period;

(c) The weights and tests for butterfat and for other contents of all milk and milk products handled; and

(d) Payments to producers and to cooperative associations.

§ 975.43 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 975.50 *Skim milk and butterfat to be classified.* All skim milk and butterfat received at a pool plant from any source or diverted pursuant to § 975.8 (b) or (c) shall be classified pursuant to §§ 975.51 through 975.54.

§ 975.51 *Classes of utilization.* Subject to the conditions set forth in §§ 975.53 and 975.54, skim milk and butterfat described in § 975.50 shall be classified by the market administrator on the basis of the following classes of utilization:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of for fluid consumption as milk, skim milk, buttermilk (except for livestock feed), flavored milk or flavored milk drinks, sweet or sour cream, or eggnog, (2) or used to produce concentrated milk disposed of for fluid consumption, or (3) not accounted for as Class II or Class III utilization.

(b) Class II milk shall be all skim milk and butterfat used to produce cottage cheese.

(c) Class III milk shall be all skim milk and butterfat (1) used to produce any milk product not specified in Class I milk or Class II milk; (2) disposed of for livestock feed or dumped subject to prior notification to and inspection (at his discretion) by the market administrator; and (3) in shrinkage of producer milk up to 2 percent of receipts from producers or in shrinkage of other source milk.

§ 975.52 *Shrinkage.* (a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk diverted by a handler from his pool plant to another pool plant without first having been received for purposes of weighing in the diverting handler's pool plant shall be included in the receipts at the pool plant to which such milk was diverted for the purpose of computing shrinkage and shall be excluded from the receipts at the diverting handler's pool plant for such purpose.

§ 975.53 *Transfers.* Skim milk or butterfat transferred from a pool plant shall be classified as follows:

(a) As Class I milk if transferred as any item listed in § 975.51 (a) (1) to the pool plant of another handler, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the delivery period within which such transfer was made: *Provided,* That if either or both pool plants have received other source milk, such transfers shall be classified by the market administrator at both plants so as to return the highest-valued class utilization to milk of producers: *Provided further,* That if transfers are made from a pool plant to more than one other pool plant any other source milk involved in such transfers shall be prorated by the market administrator among the transferee pool plants on the basis of the percentage which the other source milk transferred bears to the total quantity of transfers made pursuant to this subparagraph from the transferor plant.

(b) As Class I milk if transferred as any item listed in § 975.51 (a) (1) to a nonpool plant located more than 265 miles from the Public Square in Cleveland, Ohio, by shortest highway distance as determined by the market administrator.

(c) As Class I milk if transferred as any item listed in § 975.51 (a) (1) to a nonpool plant located less than 265 miles from the Public Square in Cleveland, Ohio, by shortest highway distance as determined by the market administrator, unless (1) other utilization is mutually indicated in writing to the market administrator by both the transferring handler and the receiver on or before the 8th day after the end of the delivery period within which such transfer was made, (2) the receiver maintains books and records showing utilization of all skim milk and butterfat at his plant which are made available to the market administrator for audit, and (3) such receiving plant had actually used not less than an equivalent amount of skim milk or butterfat in the use indicated in such statement: *Provided,* That if such nonpool plant had not actually used an equivalent amount of skim milk or butterfat in such indicated use, the remaining pounds shall be classified in the next lower-priced available class of utilization as if the classes of utilization set forth in § 975.51 were applicable to such nonpool plants; or

(d) As Class I milk if transferred as bulk milk to (1) a manufacturer of soup, candy or bakery products for use in such manufacturing operations, or (2) any retail establishment which disposes of milk in fluid form.

§ 975.54 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified (except that classified pursuant to § 975.53 (b)) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 975.55 *Computation of the skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

§ 975.56 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in the specified class the pounds of butterfat shrinkage in producer milk allowed in classes other than Class I pursuant to § 975.51;

(b) Subtract from the pounds of butterfat remaining in each class in series beginning with the lowest priced utilization the pounds of butterfat received in other source milk received from a plant(s) other than one at which the handling of milk is fully subject to another marketing agreement or order issued pursuant to the act;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk received from a plant(s) at which the handling of milk is fully subject to another marketing agreement or order issued pursuant to the act;

(d) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat received from other handlers in such classes pursuant to § 975.53; and

(e) Add to the remaining pounds of butterfat in the specified class the pounds subtracted pursuant to paragraph (a) of this section; or if the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest-priced utilization.

§ 975.57 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 975.56.

MINIMUM PRICES

§ 975.60 *Basic formula price.* The basic formula price per hundredweight of milk to be used in determining the Class I milk price for each delivery period, pursuant to § 975.61, shall be the highest of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to paragraphs (a) and (b) of this section.

(a) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator by the Department of Agriculture or by the companies indicated below:

Company and Location

Borden Co., Mt. Pleastant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the delivery period as reported by the Department of Agriculture for the Chicago market, subtract 3 cents, add 20 percent of the resulting amount and then multiply by 3.5; and

(2) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

§ 975.61 *Class I milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant for milk received from producers or from a pool plant of a cooperative association, during the delivery period which is classified as Class I milk, shall be as follows as computed by the market administrator:

(a) Add to the basic formula price the following amount for the period indicated:

Delivery period:	*Amount*
February through July	$1.40
All others	1.85

and add or subtract a "supply-demand adjustment" computed as follows:

(i) Divide the total quantity of milk received from producers during the first and second months preceding the delivery period by the gross quantity of milk utilized as Class I in the same two months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(ii) Compute a "deviation percentage" by subtracting from the current utilization percentage as computed in subdivision (i) of this subparagraph, the "standard utilization percentage" shown below:

Month for which the price is being computed:	*Standard utilization percentage*
January	120
February	127
March	132
April	139
May	147
June	158
July	162
August	149
September	137
October	128
November	120
December	117

(iii) Determine the amount of the suply-demand adjustment from the following schedule:

Deviation percentage:	*Amount of supply-demand adjustment (cents)*
+13 or over	−25
+10 or +11	−19
+7 or +8	−13
+4 or +5	−7
+2 to −2	0
−4 or −5	+7
−7 or −8	+13
−10 or −11	+19
−13 or below	+25

When the deviation percentage does not fall within the tabulated brackets, the adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month.

§ 975.62 *Class II milk prices.* The minimum price per hundredweight to be paid by each handler, f. o. b. his plant, for producer milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class II utilization, shall be the basic formula price, as computed pursuant to § 975.60, plus 30 cents.

§ 975.63 *Class III milk prices.* The minimum price per hundredweight to be paid by each handler, f. o. b. his plant, for producer milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class III utilization, shall be the basic formula price, as computed pursuant to § 975.60; *Provided,* That during May and June 1955 the average of the prices per hundredweight reported to have been paid or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator shall apply:

Present Operator and Location

Defiance Milk Products Co., Defiance, Ohio.
Fisher Dairy & Cheese Co., Wapakoneta, Ohio.
Kraft-Phenix Cheese Corp., Kendallville, Ind.
Nestles Milk Products Co., Marysville, Ohio.
Pet Milk Co., Angela, Ind.
Pet Milk Co., Coldwater, Ohio.
Pet Milk Co., Delta, Ohio.
Pet Milk Co., Garrett, Ind.
Pet Milk Co., Hudson, Mich.
Swift & Co., Lima, Ohio.

§ 975.64 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class is more or less than 3.5 percent, there shall be added to the prices of milk for each class as computed pursuant to §§ 975.61 and 975.62 for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 3.5 percent, an amount equal to the average daily wholesale price per pound of Grade A (92 score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month, multiplied by the following factors:

(a) *Class I milk.* Multiply by 1.3, and divide the result by 10.

(b) *Class II milk.* Multiply by 1.15, and divide the result by 10.

(c) *Class III milk.* Multiply by 1.15, and divide the result by 10.

DETERMINATION OF ELIGIBLE MILK QUOTA

§ 975.65 *Determination of eligible milk quota for each producer.* Subject to the rules set forth in § 975.66, the market administrator shall determine quotas for producers as follows: During each of the delivery periods of April through June, inclusive, of each year beginning with 1956, the daily quota of each producer whose milk was received by a handler(s) on not less than thirty (30) days during the immediately preceding months of October through December, inclusive, shall be a quantity computed by dividing such producer's total pounds of milk delivered in the 3-month period by the number of days from the date of first delivery to the end of such 3-month period.

§ 975.66 *Quota rules.* (a) An eligible milk quota shall apply to deliveries of milk by the producer for whose account that milk was delivered during the quota-forming period;

(b) The quota of a producer may be moved from one handler to another and may be transferred from such producer to another producer.

DETERMINATION OF UNIFORM PRICE

§ 975.70 *Computation of value of producer milk.* Subject to the location adjustment provided by § 975.71, the value of producer milk received or diverted during each delivery period for each handler operating a pool plant and for each cooperative association with respect to milk for which it is a handler pursuant to § 975.7 (c) shall be a sum of money computed by the market administrator by multiplying by the applicable class prices, determined pursuant to §§ 975.61, 975.62 and 975.63 adjusted pursuant to § 975.64, the total combined hundredweight of skim milk and butterfat received from producers and allocated to each class pursuant to §§ 975.56 and 975.57, and adding together the resulting amounts: *Provided,* That if such handler, after subtracting all receipts of skim milk and butterfat, respectively, other than in milk received from producers has a utilization of skim milk or butterfat greater than has been accounted for in milk received from producers, there shall be added a further amount computed by multiplying any such excess utilization classified pursuant to § 975.56 (e) and the corresponding step of § 975.57 by the applicable prices.

§ 975.71 *Location adjustment to handlers.* In computing the value of such quantities of milk as are received from producers at a pool plant and classified as Class I or Class II milk, there shall be deducted the amount of 20 cents per hundredweight if the pool plant is located more than 60 miles but not more than 74 miles from the Public Square in Cleveland, Ohio, by the shortest highway distance as determined by the market administrator, and 2 cents additional for each additional 14 miles or fraction thereof: *Provided,* That for the purpose of determining the respective quantities of Class I and Class II milk subject to the location adjustment, each pool handler's utilization of Class I and Class II milk during the month at pool plants as defined in § 975.30 (a) shall be allocated first to receipts of milk from producers' farms at such plants and then to the receipts of producer milk from pool plants as defined in § 975.30 (b) in the order of their nearness to the Public Square in Cleveland, Ohio, by shortest highway distance as determined by the market administrator.

§ 975.72 *Obligation to the producer-settlement fund for other source milk.* During any delivery period in which the total receipts from all producers is more than 110 percent of the total Class I utilization at all pool plants, any handler who receives other source milk during the delivery period which is allocated to Class I pursuant to §§ 975.56 or 975.57 or who operates a nonpool plant out of which a route is operated which extends into the marketing area shall pay to the producer-settlement fund an amount equal to the value of the milk so allocated to Class I or sold on such a route at the Class I price, less an amount computed at the same rate as specified in § 975.71 for the distance from the plant at which the other source milk originates to the Public Square in Cleveland, Ohio, and less the value of such milk at the Class III price.

§ 975.73 *Computation of uniform price.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight for milk of 3.5 percent butterfat content, f. o. b. the marketing area, received from producers by:

(a) Combining into one total the values computed under § 975.70 for all handlers who reported pursuant to § 975.40 for such delivery period, except those in default in payments required pursuant to § 975.84 for the preceding delivery period;

(b) Adding an amount representing the monies received in payment of obligations computed under § 975.72;

(c) Adding the aggregate of the values of all allowable location adjustments computed at the maximum rates for the appropriate zones set forth in § 975.81;

(d) Adding an amount representing not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Subtracting, if the weighted average butterfat test of all milk received from producers represented by the values included in paragraph (a) of this section is greater than 3.5 percent or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the variance of such weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to § 975.82 multiplied by 10;

(f) Dividing by the hundredweight of milk received from producers represented by the values included in paragraph (a) of this section; and

(g) Subtracting not less than 4 cents nor more than 5 cents.

§ 975.74 *Computation of ineligible milk price.* For each of the delivery periods of April through June the market administrator shall compute the uniform price per hundredweight for ineligible milk of 3.5 percent butterfat content by:

(a) Computing the total value on a 3.5 percent butterfat basis of ineligible milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II and Class III milk included in these computations by the price for Class II milk of 3.5 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II and Class III milk by the price for Class I milk of 3.5 percent butterfat content, and adding together the resulting amounts; and

(b) Dividing the total value of ineligible milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and adjusting to the nearest cent.

§ 975.75 *Computation of eligible milk price.* For each of the delivery periods of April through June the market administrator shall compute the uniform price per hundredweight for eligible milk of 3.5 percent butterfat content f. o. b. the marketing area, received from producers by:

(a) Subtracting the value of ineligible milk obtained in § 975.74 (a) from the aggregate value of milk computed pursuant to § 975.73 (a) through (c) and adjusting by any amount involved in adjusting the uniform price of ineligible milk to the nearest cent;

(b) Dividing the amount obtained in paragraph (a) of this section by the total hundredweight of eligible milk included in these computations; and

(c) Subtracting not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (b) of this section.

§ 975.76 *Notification.* On or before the 14th day after each delivery period the market administrator shall notify each handler who submitted a report for the preceding month pursuant to § 975.40 of:

(a) The classification pursuant to §§ 975.56 and 975.57 of skim milk and butterfat contained in producer milk received by such handler during the delivery period and the value of such milk computed pursuant to § 975.70;

(b) The uniform prices for the delivery period computed pursuant to §§ 975.73, 975.74, and 975.75; and

(c) The amount due such handler pursuant to § 975.85 and the amount to be paid by such handler pursuant to §§ 975.84, 975.86, and 975.87.

PAYMENTS

§ 975.80 *Time and method of payment.* (a) Except as provided by paragraph (b) of this section, on or before the 20th day after the end of each delivery period, each handler shall pay each producer for milk received from him within such delivery period, not less than an amount of money computed by multiplying the total pounds of such milk by the uniform price(s) pursuant to § 975.73 or to §§ 975.74 and 975.75, less the location adjustment pursuant to § 975.81 and adjusted by the butterfat differential pursuant to § 975.82: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to § 975.85 he may reduce such payments uniformly per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 19th day after the end of each delivery period, each handler shall pay a cooperative association not a handler, with respect to milk of producers for which it has received written authorization to collect payment, a total amount not less than the sum of the individual amounts otherwise payable to such producers pursuant to paragraph (a) of this section.

(c) On or before the 15th day after the end of each delivery period, each handler shall pay a cooperative association which is a handler, with respect to milk received by him from a pool plant operated by such cooperative association, not less than an amount computed by multiplying the minimum prices for milk in each class, subject to the applicable location adjustment provided by § 975.71 and the butterfat differential provided by § 975.64, by the hundredweight of milk in each class pursuant to §§ 975.56 and 975.57.

§ 975.81 *Location adjustments to producers.* In making payments pursuant to paragraphs (a) and (b) of § 975.80, a handler may deduct, with respect to all milk received from producers during the months of July through March, and with respect to eligible milk received from producers during the months of April, May and June, at a plant located, by the shortest highway distance from the Public Square in Cleveland, Ohio, as determined by the market administrator:

(a) More than 30 miles but not more than 60 miles, an amount not to exceed 13 cents per hundredweight; and

(b) More than 60 miles but not more than 74 miles, an amount not to exceed 20 cents per hundredweight, and 2 cents per hundredweight additional for each additional 14 miles or fraction thereof.

§ 975.82 *Butterfat differential.* In making payments pursuant to paragraphs (a) and (b) of § 975.80 there shall be added to or subtracted from the uniform price per hundredweight, for each one-tenth of 1 percent of such butterfat content in milk above or below 3.5 percent, as the case may be, a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a), (b) and (c) of § 975.64 weighted by the pounds of butterfat in producer milk in Classes I, II, and III, respectively, with the result rounded to the nearest tenth of a cent.

§ 975.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund," into which he shall deposit all payments made pursuant to § 975.84 and out of which he shall make all payments pursuant to § 975.85.

§ 975.84 *Payments to the producer-settlement fund.* On or before the 16th day after the end of each delivery period, each handler (a) whose value of producer milk is required to be computed pursuant to § 975.70, shall pay to the market administrator any amount by which such value for such delivery period is greater than the total minimum amount required to be paid by him pursuant to paragraphs (a) and (b) of § 975.80 and (b) whose obligation is required to be computed pursuant to § 975.72, shall pay to the market administrator such obligation for such delivery period.

§ 975.85 *Payments out of the producer-settlement fund.* On or before the 18th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which such handler's value pursuant to § 975.70 is less than the total minimum amount required to be paid by him pursuant to paragraphs (a) and (b) of § 975.80 less any unpaid obligations of such handler to the market administrator pursuant to §§ 975.84, 975.86, 975.87, or 975.88: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 975.86 *Expense of administration.* As his pro rata share of the expense incurred pursuant to paragraph (d) of § 975.22, each handler shall pay the market administrator on or before the 16th day after the end of each delivery period, three cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 14th day after the end of such delivery period, with respect to all receipts within the delivery period, of milk from producers at pool plants (including such handler's own production) and of all other source milk allocated to Class I pursuant to § 975.56 (b) and the corresponding portion of § 975.57: *Provided,* That such payment shall not be made with respect to any milk subject to a payment required under the provision for expense of administration of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area.

§ 975.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section each handler in making payments to producers pursuant to paragraphs (a) and (b) of § 975.80, with respect to all milk received from each producer (except milk of such handler's own production) at a plant, not operated by a cooperative association of which such producer is a member, shall deduct four cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 14th day after the end of each delivery period; and, on or before the 16th day after the end of such delivery period, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of the milk of such producers and to provide such producers with market information; such services to be performed in whole or in part by the market administrator, or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant, not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section such deductions from payments required pursuant to paragraphs (a) and (b) of § 975.80 as may be authorized by such producers, and pay such deductions on or before the 16th day after the end of each delivery period to the cooperative association rendering such services of which such producers are members.

§ 975.88 *Adjustment of accounts*—(a) *Payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 975.84, 975.85, 975.86, 975.87 or paragraph (a) of this section shall be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and, on the first day of each calendar month thereafter until such obligation is paid.

§ 975.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8e (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers; the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the months during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 975.90 *Application of provisions—(a) Milk subject to other Federal orders.* Milk received at the plant of a handler at which the handling of milk is fully subject during the delivery period to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act and from which the disposition of Class I milk in the other Federal marketing area exceeds that in the Cleveland marketing area shall be exempted for such delivery period from all provisions of this part except §§ 975.41, 975.42, and 975.43 unless the Secretary determines that the applicable order should more appropriately be determined on some other basis.

(b) *Handler exemption.* A handler who operates a plant located outside the marketing area from which an average of less than 300 points (one point being defined as one-half pint of cream or one quart of any other Class I product) of Class I milk per day is disposed of during the delivery period on a route(s) operated wholly or partly within the marketing area shall be exempted for such delivery period from all provisions of this part except § 975.41, § 975.42 and § 975.43.

(c) *Milk caused to be delivered by cooperative associations.* Milk referred to in this part as received from producers by a handler shall include milk of producers caused to be delivered to such handler by a cooperative association which is not a handler and which is authorized to collect payment for such milk.

§ 975.91 *Effective time.* The provisions of this part, or of any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 975.92 *Suspension or termination.* The Secretary shall, whenever he finds that this part, or any provision of this part, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision of this part.

§ 975.93 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations under this part the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 975.94 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 975.95 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 975.96 *Separability of provisions.* If any provision of this part or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 28th day of April 1955 to be effective on and after the 1st day of May 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-3576; Filed, May 2, 1955; 8:50 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter B—Cooperative Control and Eradication of Animal Diseases

[B. A. I. Order 375, Revised, Amdt. 4]

PART 51—CATTLE DESTROYED BECAUSE OF BRUCELLOSIS (BANG'S DISEASE), TUBERCULOSIS, OR PARATUBERCULOSIS

PAYMENT OF INDEMNITIES

Pursuant to the provisions of sections 3 and 11 of the act of May 29, 1884, as amended (21 U. S. C. 114, 114a), section 2 of the act of February 2, 1903, as amended (21 U. S. C. 111), and section 204 (e) of the Agricultural Act of 1954 (68 Stat. 900), § 51.1 (m) of the regulations pertaining to payment of indemnities for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis (9 CFR, 1953 Supp. Part 51 (19 F. R. 6566, 8624, 20 F. R. 755)), is hereby amended to read as follows:

§ 51.1 *Definitions.* * * *

(m) *Official vaccinate.* A bovine animal vaccinated against brucellosis from 4 through 8 months of age, or a bovine animal of a beef breed in a range or semirange area, vaccinated against brucellosis from 4 to 12 months of age, under the supervision of a Federal or State veterinary official with a vaccine approved by the Animal Disease Eradication Branch, Agricultural Research Service, United States Department of Agriculture, permanently identified as such a vaccinate; and reported at the time of vaccination to the appropriate State and Federal Agency cooperating in the eradication of brucellosis.

Section 51.9 (m) is amended to read:

§ 51.9 *Claims not allowed.* * * *

(m) If the cattle were "official vaccinates" and reacted positively to the blood agglutination test for brucellosis, unless such animals were at least 30 months of age; or if the reactors were vaccinated animals, and properly verified but not "official vaccinates" as defined, unless there is also a record of a negative blood agglutination test made not less than 30 days following the date of vaccination.

Effective date. The foregoing amendment shall become effective upon issuance.

The purposes of the revisions contained in this amendment are (1) to provide under § 51.1 (m) for more flexibility in the regulations under which a bovine animal may be vaccinated by lowering the present six month minimum to four months; many State laws permit the four month minimum. Investigation of the matter shows that vaccination from four to six months of age can be considered satisfactory, and (2) under § 51.9 (m) to permit payment of indemnity under certain prescribed conditions for reactor cattle which have been previously vaccinated, but in a manner other than specifically outlined under the definition of an "official vaccinate", provided certain conditions as indicated have been complied with. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 3, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, ch. 730, 45 Stat. 59, sec. 4, 58 Stat. 734; 21 U. S. C. 114, 111, 114a)

Done at Washington, D. C., this 27th day of April 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 55-3571; Filed, May 2, 1955; 8:50 a. m.]

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 50]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

TEMPORARY SUSPENSION OF CERTAIN CLEANING AND DISINFECTING REQUIREMENTS

Pursuant to sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111-113, 120), and section 3 of the act of March 3, 1905, as amended (21 U. S. C. 125), the provisions of paragraphs (b) and (c) of § 76.35, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations, are hereby suspended until October 6, 1955, unless the suspension is rescinded prior to that date.

Such provisions require the cleaning and disinfecting of certain vehicles and feed, water, and rest facilities used in connection with the interstate movement of swine. In view of the favorable situation existing for some time with respect to vesicular exanthema with no outbreaks of the disease in most sections of the country, and in view of the provisions of paragraph (a) of § 76.35, which require that vehicles and other facilities used in connection with the interstate movement of swine shall be kept clean and of paragraph (d) of § 76.35, which authorize the Chief of the Animal Disease Eradication Branch, Agricultural Research Service, to require the cleaning and disinfecting of any vehicle or facility used in connection with the interstate movement of swine affected with or exposed to vesicular exanthema or swine fed any raw garbage, it appears that the requirements of said paragraphs (b) and (c) may be suspended without endangering the swine of the country, provided the requirements under the other provisions of § 76.35 are complied with and the present favorable situation with respect to vesicular exanthema continues.

The amendment relieves certain restrictions presently imposed, and should be made effective immediately in order to be of maximum benefit to affected persons. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective upon issuance.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interprets or applies secs. 4, 5, 23 Stat. as amended, sec. 3, 33 Stat. 1265, as amended; 21 U. S. C. 112, 113, 120, 125)

Done at Washington, D. C., this 27th day of April 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 55-3572; Filed, May 2, 1955; 8:50 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 201—PROCEDURES OF THE POST OFFICE DEPARTMENT

EMPLOYMENT POLICY; COMPLAINTS

In § 201.90 *Employment policy, Post Office Department* (20 F. R. 1649), amend paragraph (f) to read as follows:

(f) *Complaints.* An employee, an applicant, a duly authorized representative, or the designated spokesman of a duly constituted group or organization, may file a written complaint under the provisions of Executive Order 10590 (20 F. R. 409). The complaint must be filed within 45 days of the specific personnel action complained of, except that a complaint involving a discharge action must be made within 10 days of the effective date of such action, unless the complainant is prevented from filing within these time limits by circumstances beyond his control. A complaint will not be subject to these specific time limits if it is concerned with a continuing discriminatory practice.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; E. O. 10590, 20 F. R. 409; Reorg. Plan No. 3 of 1949, 14 F. R. 5225, 3 CFR, 1949 Supp.)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 55-3550; Filed, May 2, 1955; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1087]

ALASKA

Correction

In Federal Register Document 55-2115, appearing at page 1560 of the issue for Tuesday, March 15, 1955, the third line of the land description under paragraph 1 should read: "00″ West and approximate Latitude 53°45′".

[Public Land Order 1120]

NEW MEXICO

Correction

In FEDERAL REGISTER Document 55-3176, appearing at page 2577 of the issue for Tuesday, April 19, 1955, the land description for Lower Hondo Forest Camp A should read as follows:

LOWER HONDO FOREST CAMP A

T. 27 N., R. 13 E.,

Sec. 27, S½NW¼NW¼, N½SW¼NW¼.

The tracts described aggregate 40 acres.

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 141]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
DALLAS, TEX. Love Field, 485′. SBMRAZ-DTV DAL. Procedure No. 1. Amendment 12. Effective: June 4, 1955. Supersedes Amendment 11, dated Apr. 16, 1954. Major changes: Add radar vector authority. Standardize notes.	Dallas VOR	230—12	2,000	E side S course: 176° outbound. 356° inbound. 2,000′ within 10 miles.	#1,100	356—2.3	2 engines or less			Within 2.3 miles climb to 2,000′ on N course within 25 miles. #If DAL FM not received descend below 1,400′ and straight-in minima not authorized. CAUTION: 695′ mean sea level tank 1.7 miles SE Runway 31. AIR CARRIER NOTE: Takeoff Runway 13 not authorized with ceilings less than 200′. Radar Terminal Area Transition altitude: 2,000′ within 5 to 20 N. miles. Radar control must provide 3 N. miles or 1,000′ vertical separation or 3 to 5 N. miles and 500′ vertical separation from radio towers 1,108′ mean sea level 20 N. miles N, 2,349′ mean sea level 16 N. miles SSW, 1,230′ mean sea level 10 N. miles WNW of airport.
	Duncanville FM or MHW (final).	356—10	1,400				T-dn	300-1	300-1	
	Dallas FM (final)	356—3.0	1,100				C-dn	400-1	500-1	
							#S-dn 36	400-1	400-1	
							More than 2 engines			
							T-dn	------------	200-½	
							C-dn	------------	500-1½	
							#S-dn 36	------------	400-1	
							All aircraft			
							A-dn	800-2		
GREENWOOD, MISS. Municipal, 129′. BMLZ-DTV GRW. Procedure No. 1. Amendment 6. Effective: June 4, 1955. Supersedes Amendment 5, dated December 25, 1954. Major changes: Adds note re ADF approach.	Greenwood VOR	338—4.0	1,300	N side E course: 085° outbound. 265° inbound. 1,700′ within 10 miles.	1,200	265—1.9	2 engines or less			Within 1.9 miles climb to 1,400′ on W course within 25 miles. NOTE: Not approved for ADF approach.
							T-dn	300-1	300-1	
							C-dn	500-1	500-1	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	------------	200-½	
							C-dn	------------	500-1½	
							A-dn	------------	800-2	

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
JACKSONVILLE, FLA. Imeson, 52'. SBRAZ-DTV JAX. Procedure No. 1. Amendment 9. Effective: June 4, 1955. Supersedes Amendment 8, dated January 26, 1954. Major changes: Delete note. 160' tower removed. Add radar transitions.	Fort George Island FM or Radar Advisory over Fort George Island (final). Jacksonville VOR	269—10 225—2.5	600 1,200	N side E course: 089° outbound. 269° inbound. 1,100' within 10 miles.	600	269—1.7	2 engines or less T-dn C-dn S-dn 27 A-dn More than 2 engines T-dn C-dn S-dn 27 A-dn	 300-1 400-1 400-1 800-2 ------------ ------------ ------------ ------------	 300-1 500-1 400-1 800-2 200-½ 500-1½ 400-1 800-2	Within 1.7 miles climb to 1,300' on W course within 25 miles. Radar terminal area transition altitude 1,500' within 25 N. miles. Radar Control must provide 3 N. miles separation from Restricted Area R-161.
JACKSONVILLE, FLA. Imeson, 52'. SBRAZ-DTV JAX. Procedure No. 2. Amendment 4. Effective: June 4, 1955. Supersedes Amendment 3, dated June 25, 1954. Major changes: Add radar transitions.	Bryceville FM or Intersection W course JAX LFR and 350° bearing from Cecil HW or Radar Advisory over Bryceville (final) to Riverview Fix.	089—14	700	N side W course: 269° outbound. 089° inbound. 1,200' within 10 miles of JAX LFR.	700 over Riverview Fix	089—3.2	2 engines or less T-dn C-dn S-dn 9 A-dn More than 2 engines T-dn C-dn S-dn 9 A-dn	 300-1 400-1 400-1 800-2 ------------ ------------ ------------ ------------	 300-1 500-1 400-1 800-2 200-½ 500-1½ 400-1 800-2	Within 3.2 miles climb to 1,300' on E course within 25 miles. Procedure authorized only for aircraft equipped to receive JAX LFR and JAX LOM bearings simultaneously. Riverview Fix is the intersection of the west course of JAX LFR and 359° bearing from JAX LOM. Procedure nonstandard to avoid danger area. Radar terminal area transition altitude 1,500' within 25 N. miles. Radar Control must provide 3 N. miles separation from Restricted Area R-161.
MIAMI, FLA. International, 9'. SBRAZ-MIA. Procedure No. 1. Amendment 12. Effective: June 4, 1955. Supersedes Amendment 11, March 25, 1954. Major changes: Revises courses due to variation change. Adds straight-in approach to Runway 9-L.	Miami VOR	264—2.5	1,100	N side W course: 273° outbound. 093° inbound. 1,100' within 10 miles.	600	086—5.7	2 engines or less T-dn C-dn *S-dn 9R/L A-dn More than 2 engines T-dn C-dn *S-dn 9R/L A-dn	 300-1 400-1 400-1 800-2 ------------ ------------ ------------ ------------	 300-1 500-1 400-1 800-2 200-½ 500-1½ 400-1 800-2	Within 5.7 miles climb to 1,400' on E course. Procedure turn nonstandard to avoid traffic around Tamiami Airport. *Course and distance to Runway 9-L 76° 5.8 miles.
ORLANDO, FLA. Orlando Airport, 115'. SBMRLZ-DTV ORL. Procedure No. 1. Amendment 10. Effective: June 4, 1955. Supersedes Amendment 9, dated February 11, 1954. Major changes: New format.	Oviedo FM (final) Orlando VOR	220—10.0 037— 4.0	700 1,500	S side NE course: 040° outbound. 220° inbound. 1,200' within 10 miles.	700	220—3.4	2 engines or less T-dn C-dn S-dn 22 A-dn More than 2 engines T-dn C-dn S-dn 22 A-dn	 300-1 400-1 400-1 800-2 ------------ ------------ ------------ ------------	 300-1 500-1 400-1 800-2 200-½ 500-1½ 400-1 800-2	Within 3.4 miles climb to 1,500' on SW course within 25 miles.
PRESCOTT, ARIZ. Municipal, 5,042'. SBRAZ-VDT PRC. Procedure No. 1. Amendment No. 3. Effective: June 4, 1955. Supersedes Amendment 2, dated August 16, 1954. Major changes: New format.	Prescott VOR	010—2.0	7,000	E side NW course: 322° outbound. 142° inbound. 7,000' within 10 miles.	6,500	142—5.3	2 engines or less T-dn C-dn A-dn More than 2 engines T-dn C-dn A-dn	 800-2 1,000-2 1,000-2 ------------ ------------ ------------	 800-2 1,000-2 1,000-2 1,000-2 1,500-2 1,500-2	Within 2 miles, turn left, climb to 8,000' on NW course within 25 miles.

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
TALLAHASSEE, FLA. Dale Mabry, 70'. SBRAZ-TLH. Procedure No. 1. Amendment 9. Effective: June 4, 1955. Supersedes Amendment 8, dated July 1, 1954. Major changes: Increase missed approach altitude. Increase procedure turn altitude. Add heavy aircraft restriction per airport manager's NOTAM.	Tallahassee VOR..........	187—6.0	1,300	S side NW course: 296° outbound. 116° inbound. 1,500' within 10 miles.	800	084—2.7	2 engines or less T-dn C-dn S-dn 9 A-dn More than 2 engines T-dn C-dn S-dn 9 A-dn	 300-1 500-1 400-1 800-2	 300-1 500-1 400-1 800-2 200-½ 500-1½ 400-1 800-2	Within 2.7 miles climb to 1,500' on E course within 25 miles. CAUTION: 300' mean sea level unlighted terrain 1 mile NE of airport. AIR CARRIER NOTE: Takeoffs with less than 200-½ not authorized.
	Quincy FM (final)..........	116—11.0	800							

2. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
DALLAS, TEX. Love Field, 485'. BVOR-DAL. Procedure No. 1. Amendment 2. Effective: June 4, 1955. Supersedes Amendment 1, dated April 18, 1954. Major changes: Add radar vector authority. Standardize notes.	Dallas LFR..................	050—12	2,000	N side of course: 063° outbound. 243° inbound. 2,000' within 10 miles.	1,500	243—9.5	2 engines or less T-dn C-dn More than 2 engines T-dn C-dn All aircraft A-dn	 300-1 700-2 800-2	 300-1 700-2 200-½ 700-2 	Within 9.5 miles turn right, return to VOR, climbing to 2,000'. CAUTION: 695 mean sea level tank 1.7 miles SE Runway 31. AIR CARRIER NOTE: Takeoff Runway 13 not authorized with ceilings less than 200'. Radar terminal area transition altitude: 2,000' within 5 to 20 N. miles. Radar Control must provide 3 N. miles or 1,000' vertical separation or 3 to 5 N. miles and 500' vertical separation from radio towers. 1,108' mean sea level 20 N. miles N; 2,349' mean sea level 16 N. miles SSW; 1,230' mean sea level 10 N. miles WNW of airport.
DAYTONA BEACH, FLA. Daytona Beach, 34'. BVOR-DAB. Procedure No. 1. Amendment 5. Effective: June 4, 1955. Supersedes Amendment 4, dated January 5, 1954. Major changes: Raise altitude on procedure turn.	Daytona Beach LFR.......	222—4.5	1,200	N side of course: 243° outbound. 063° inbound. 1,400' within 10 miles. Beyond 10 miles not authorized.	800	063—5.5	2 engines or less T-dn C-dn S-dn Runway 6 A-dn More than 2 engines T-dn C-dn S-dn Runway 6 A-dn	 300-1 400-1 490-1 800-2	 300-1 500-1 400-1 800-2 200-½ 500-1½ 400-1 800-2	Within 5.5 miles climb to 1,400' on radial 063° within 15 miles.

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
MIAMI, FLA. International 9'. BVOR-DTV MIA. Procedure No. 1. Amendment 6. Effective June 4, 1955. Supersedes Amendment 5, March 25, 1954. Major changes: Adds straight-in approach to 9-L. Reduces minima for nonair carriers.	Miami LFR (final)	084—2.5	600	N side of course: 267° outbound. 087° inbound. 1,100' within 10 miles.	600	087—3.3	2 engines or less			Within 3.3 miles, climb to 1,400' on radial 087° within 25 miles. Procedure turn nonstandard to avoid traffic around Tamiami Airport. *Course and distance to Runway 9-L 077° 3.4 miles.
							T-dn	300-1	300-1	
							C-dn	400-1	500-1	
							*S-dn 9 R/L	400-1	400-1	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	....	200-½	
							C-dn	....	500-1½	
							*S-dn 9 R/L	....	400-1	
							A-dn	....	800-2	
PHOENIX, ARIZ. Sky Harbor, 1,124'. BVOR-DTV PHX. Procedure No. 1. Amendment No. 3. Effective: June 4, 1955. Supersedes Amendment 2, dated August 15, 1954. Major changes: New format; minor corrections.	Cave Creek Intersection	145—27.0	5,000	S side of course: 076° outbound. 256° inbound. 2,600' within 10 miles.# 4,100' within 20 miles. Beyond 20 miles not authorized.	2,100	256—6.3	2 engines or less			Within 6.3 miles, climb to 5,000' on 257° outbound within 25 miles of VOR. SHUTTLE: To 5,000' on 160° outbound 340° inbound within 25 miles or to 5,000' on 257° outbound, 077° inbound within 25 miles. #2,970' obstruction 5 miles N of course, 15 miles E of VOR within 10 miles. Procedure turn buffer zone. CAUTION: Hills 2,000' high, 5 miles S of airport.
	Perryville FM	077—33.0	2,600				T-dn	300-1	300-1	
	Phoenix LFR	081—5.0	2,600				C-dn	700-1	700-1	
							S-dn Runway 26L	700-1	700-1	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	....	200-½	
							C-dn	....	700-1½	
							S-dn Runway 26L	....	700-1	
							A-dn	....	800-2	
TALLAHASSEE, FLA. Dale Mabry, 70'. BVOR-TLH. Procedure No. 1. Amendment 5. Effective: June 4, 1955. Supersedes Amendment 4, dated July 1, 1954. Major changes: Reduce missed approach distance due control area. Add gross weight restriction due airport manager's NOTAM.	Tallahassee LFR	007—6.0	1,300	W side of course: 339° outbound. 159° inbound. 1,300' within 10 miles.	800	159—5.8	2 engines or less			Within 5.8 miles, climb to 1,300' on radial 159 within 15 miles. CAUTION: 300' mean sea level unlighted terrain 1 mile NE of airport. AIR CARRIER NOTE: Take-offs with less than 200-½ not authorized.
							T-dn	300-1	300-1	
							C-dn	500-1	500-1	
							S-dn 18	500-1	500-1	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	....	200-½	
							C-dn	....	500-1½	
							S-dn 18	....	500-1	
							A-dn	....	800-2	

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Transition to ILS				Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums			If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
	From—	To—	Course and distance	Minimum altitudes (ft.)			Outer marker	Middle marker	Condition	Type aircraft		
										75 m.p.h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11	12	13
FORT SMITH, ARK. Municipal, 460'. Combination ILS and ADF. Procedure No. 1. Amendment 2. February 19, 1955.	ILS PORTION OF PROCEDURE CANCELED DATE DECOMMISSIONING ILS (APPROXIMATELY MAY 16, 1955).											
JACKSONVILLE, FLA. Imeson, 52'. ILS-IJAX. LOM-JA. Combination ILS and ADF. Procedure No. 1. Amendment 11. Effective: June 4, 1955. Supersedes Amendment 10, dated Feb. 24, 1954. Major changes: Raise altitude from Bryceville FM and add transitions.	Intersection N course JAX LFR and NE course ILS.	LOM	224—10.0	1,300	N side SW course: 244° outbound. 044° inbound. 1,300' within 5 miles of LOM Beyond 5 miles not authorized.	ILS 1,200	1,170—4.6	220—0.7	2 engines or less T-dn C-dn	300-1 400-1	300-1 500-1	Climb to 1,300' on NE course ILS, 4.6 miles after passing LOM (ADF) climb to 1,300' on course of 044° when directed by ATC climb to 1,300' on radial 090° within 25 miles. 400-¾ required when glide slope not utilized. Procedure turn nonstandard and limited to 5 miles due restricted area and obstruction. Radar terminal area transition altitude 1,500' within 25 N. miles. Radar control must provide 3 N. miles separation from restricted area 161.
	Jacksonville LFR	LOM	237—7.0	1,300		ADF 1,200 over LOM			S-dn 5 ILS	200-½	200-½	
	Jacksonville VOR	OM	234—10.0	1,300					ADF	400-1	400-1	
	Bryceville FM	LOM	104—14.0	1,300					More than 2 engines T-dn C-dn	....	200-½ 500-1½	
	Callahan Intersection	LOM	169—14.0	1,300					S-dn 5 ILS	....	200-½	
									ADF	....	400-1	
									All aircraft A-dn ILS	600-2		
									ADF	800-2		
MIAMI, FLA. International, 9'. ILS-IMIA. Procedure No. 2. Amendment 1. Effective: June 4, 1955. Supersedes Amendment, Original, dated April 16, 1954. Major changes: Revises courses due to variation change. New format.	Bayshore Intersection	Flagler Intersection.	266—7.0	1,400	S side E course: 086° outbound. 266° inbound. 1,400' within 10 miles E of Bayshore Intersection. Beyond 10 miles not authorized.	Over Flagler Intersection 1,400', distance to runway 4.5 miles	No glide slope		2 engines or less T-dn C-dn S-dn 27-L/R A-dn	300-1 500-1 500-1 800-2	300-1 500-1 500-1 800-2	Within 4.5 miles climb to 1,100' on W course of ILS within 25 miles. Flagler Intersection is intersection E course ILS and 336° bearing to Marine Miami HW (NIG). In consideration of noise abatement, use of this procedure is authorized only when required by ATC. VFR practice of this approach not authorized.
	Miami LFR	Flagler Intersection.	086—12.0	1,400					More than 2 engines T-dn C-dn S-dn 27 L/R A-dn	....	200-½ 500-1½ 500-1 800-2	
	Miami VOR	Flagler Intersection.	086—9.0	1,400								

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-3395; Filed, May 2, 1955; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53786]

Part 1—Customs Districts and Ports

CHANGE IN STATUS OF PORT OF NEWARK, N. J.

April 26, 1955.

By virtue of the authority vested in the President by section 1 of the act of August 1, 1914, 38 Stat. 623 (19 U. S. C. 2), and delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., Ch. II): *It is hereby ordered,* That the port of Newark, New Jersey, shall, for customs purposes, be operated as an integral part of the customs port of entry of New York, New York, the headquarters port of Customs Collection District No. 10 (New York), in the interest of a more efficient administration of the customs and marine business, effective May 15, 1955.

Paragraph 2 of Executive Order No. 4205, April 25, 1925, is modified accordingly.

The following instructions and procedures pertaining to the port of Newark, New Jersey, shall be effective May 15, 1955:

1. Merchandise arriving at the port of Newark from foreign ports may be entered for transportation in bond without appraisement to any other port of entry, in which cases the transportation entries shall show the port of arrival as "New York, N. Y. (Newark, N. J.)." Merchandise may be shipped in bond to Newark from any other port of entry, in which cases the transportation entries shall show the port of destination as "New York, N. Y. (Newark, N. J.)," and copies thereof shall be forwarded by the ports of arrival to the deputy collector of customs, Newark, N. J.

2. All merchandise entries shall show the name of the port as "New York, N. Y. (Newark, N. J.)."

3. The port of Newark shall be continued as a port of documentation.

Additional privileges, procedures, and requirements, affecting the port of Newark, deemed to be advisable for the convenient transaction of business, shall be prescribed by the collector of customs of the Customs District of New York and be posted in the customhouses at New York and Newark.

Footnote 4 to § 1.1, Customs Regulations, is amended by adding at the end thereof: "Although the status of the port of Newark, N. J., was changed by T. D. 53786 to provide that it shall be operated as an integral part of the port of New York, N. Y., in the Customs Collection District of New York (No. 10), marine documents may continue to be issued at that port."

Section 1.1 (c), Customs Regulations, is amended by adding "(T. D. 53786)" after the parenthetical matter opposite "New York, N. Y." in the column headed "Ports of entry" in District No. 10 (New York), and by deleting "*Newark, N. J." from such column.

(R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 19 U. S. C. 1, 2)

[SEAL] H. Chapman Rose,
Acting Secretary of the Treasury.

[F. R. Doc. 55-3562; Filed, May 2, 1955; 8:48 a. m.]

[T. D. 53787]

Part 10—Articles Conditionally Free, Subject to Reduced Rate, Etc.

DIPLOMATIC AND CONSULAR OFFICERS

The Department of State has expressed the opinion that it is desirable that reciprocal customs treatment be accorded to diplomatic couriers of foreign countries. A recent survey of customs treatment accorded diplomatic couriers of the United States reveals that except for a very few countries personal baggage of diplomatic couriers is never inspected, and that in the few countries where such inspection does take place it only occurs at infrequent intervals. Since under the present regulations personal accompanied baggage of foreign diplomatic couriers is subject to inspection, reciprocity can be assured only by amending the regulations to provide for such inspection as may be deemed necessary only upon the issuance of special instructions by the Commissioner of Customs. Accordingly, § 10.29 is hereby amended by deleting the citation of authority at the end of paragraph (e) and adding a new paragraph (f), reading:

(f) The accompanied personal baggage of diplomatic couriers of foreign countries shall be accorded customs privileges and immunities extended to foreign personnel of diplomatic rank under paragraph (e), except in cases provided for by special instructions from the Commissioner of Customs.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies sec. 498, 46 Stat. 728, as amended; 19 U. S. C. 1498)

Ralph Kelly,
Commissioner of Customs.

Approved: April 26, 1955.

H. Chapman Rose,
Acting Secretary of the Treasury.

[F. R. Doc. 55-3563; Filed, May 2, 1955; 8:49 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter D—Electrical Equipment, Lamps, Methane Detectors; Tests for Permissibility; Fees

[Bureau of Mines Schedule 7C, Supp. 1]

Part 21—Flame Safety Lamps

MISCELLANEOUS AMENDMENTS

Part 21 is hereby amended as follows:

1. Section 21.2 (a) is amended to read as follows:

(a) *Permissible.* Completely assembled and conforming in every respect with the design formally approved by the Bureau of Mines under this part. (Approvals under this part are given only to equipment for use in gassy and dusty mines.)

2. Section 21.3 (a) is amended to read as follows:

(a) The fee charged for a complete investigation of a flame safety lamp under this part is $245.00.

3. Section 21.3 (d) is amended by deleting the words "Director of the Bureau" and substituting the words "Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa."

4. Section 21.4 is amended by rewording as follows:

§ 21.4 *Applications.* Before the Bureau of Mines will undertake the active investigation leading to approval of any lamp, the manufacturer shall make application by letter for an investigation of his lamp. This application in duplicate, accompanied by a check, bank draft, or money order, payable to the United States Bureau of Mines, to cover all the necessary fees, shall be sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa., together with the required drawings, one complete lamp, and instructions for its operation.

5. Section 21.5 is amended by changing the heading from "*Instructions for submitting equipment*" to "*Conditions governing investigations.*"

6. Section 21.5 (a) is amended by deleting the words "Electrical Laboratory, Pittsburgh Experiment Station" and substituting the words "Central Experiment Station."

7. Section 21.5 is amended by the addition of a new paragraph (c) as follows:

(c) *Observers at formal investigations and demonstrations.* No one shall be present during any part of the formal investigation conducted by the Bureau which leads to approval for permissibility except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau. Upon granting approval for permissibility, the Bureau will announce that such approval has been granted to the device and may thereafter conduct, from time to time in its discretion, public demonstrations of the tests conducted on the approved device. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled wholly by the Bureau's personnel. Results of chemical analyses of material and all information contained in the drawings, specifications, and instructions shall be deemed confidential and their disclosure will be appropriately safeguarded by the Bureau.

8. Section 21.8 (a) is amended by revising the first sentence as follows: "All approvals are granted by official letter from the Bureau of Mines."

9. Section 21.10 (a) is amended by deleting the words "Director of the Bureau at Washington, D. C.," and substi-

tuting the words "Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa."; also, the second sentence of this paragraph is revised to read as follows: "With this letter he should submit a revised drawing or drawings showing the changes in detail and one of each of the changed lamp parts."

10. Section 21.10 (c) is amended by deleting the words "through the Director's office," and adding "by letter from the Bureau of Mines."

(Sec. 5, 36 Stat. 370, as amended, 30 U. S. C. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, 30 U. S. C. 3, 5)

DOUGLAS MCKAY,
Secretary of the Interior.

APRIL 26, 1955.

[F. R. Doc. 55-3547; Filed, May 2, 1955; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter J—Procurement

[CGFR 55-17]

PART 116—PROCEDURES FOR PURCHASING

PART 118—CONTRACTS

PART 120—BONDS AND GUARANTIES

MISCELLANEOUS AMENDMENTS

The amendment of § 116.03-25 (c) adds Standard Form 147 (Order-Invoice-Voucher) to the list of purchase order forms authorized for Coast Guard use.

The amendments to §§ 118.03-1 and 118.03-5 require the use of a priorities, allocations and allotments clause in contracts which must be supported with defense order rating and allotment authority under rules and regulations of the Business and Defense Services Administration.

The amendments to §§ 118.02-10, 118.02-11, and 120.02-6 are editorial in nature to clarify the requirements of existing procedure.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), the following amendments are prescribed:

1. Section 116.03-25 is amended by revising paragraph (c) to read as follows:

§ 116.03-25 *Purchase orders not in excess of $5,000.* * * *

(c) *Purchase order forms.* Contracting officers designated in §§ 116.01-23 and 116.01-24 will prepare and issue purchase orders over $1,000 and not in excess of $5,000 on form CG-2557 (Purchase Order) or Standard Form 147 (Order-Invoice-Voucher). If the purchase is less than $1,000, the order may be issued on Standard Form 44 (U. S. Government Purchase Order-Invoice-Voucher), form CG-2557 (Purchase Order), or Standard Form 147 (Order-Invoice-Voucher). Instructions for the preparation of the above forms are set forth in §§ 118.02-13, 118.02-16, and 118.02-24 of this subchapter.

2. Section 118.02-10 is amended by revising the section title, the introductory sentence following the section following the section heading, and paragraph (e) to read as follows:

§ 118.02-10 *Distribution of contracts.* Contracts (whether numbered or unnumbered) and change orders executed by designated contracting officers shall be distributed as follows:

* * * * *

(e) One copy to the Commandant (ECV) if the contract pertains to the construction or repair of shore structures and the contract price is $2,000 or more.

3. Section 118.02-11 *Distribution of unnumbered contracts* is hereby revoked.

4. Section 118.03-1 is amended by designating the present paragraph following the section heading as "(a) *General*" and by adding a new paragraph (b) reading as follows:

§ 118.03-1 *Terms, conditions, and provisions to be incorporated in contracts.* * * *

(b) *Required use of priorities, allocations and allotments clause.* The contract clause set forth in § 118.03-5 (u) shall be inserted in all rateable contracts entered into by formal advertising or negotiation, except purchase orders of less than $5,000. The clause will be added wherever practicable to existing rateable contracts whenever such contracts are amended for any other purpose and if additional purchases of materials for the contract are contemplated. Rateable contracts are those contracts for supplies which are required to be supported with defense order rating and allotment authority in accordance with applicable rules and regulations of the Business and Defense Services Administration, including Defense Materials System regulations.

5. Section 118.03-5 is amended by adding a new paragraph (u) reading as follows:

§ 118.03-5 *Special contract clauses.* * * *

(u) *Priorities, allocations and allotments.* The contractor agrees, in the procurement and use of materials required for the performance of this contract, to comply with the provisions of all applicable rules and regulations of the Business and Defense Services Administration including Defense Materials System Regulations.

6. Section 120.02-6 is amended by revising the last two sentences of paragraph (a) to read as follows: "When the contract has been executed, the bonds and the original contract shall be forwarded to the Commandant (CL) under letter of transmittal in accordance with § 118.02-10 (g). After examination and approval of the surety bonds by the Section of Surety Bonds, Treasury Department, both the bonds and the original contract will be returned to the contracting officer by the Commandant (CL) for filing in the cognizant accounting office."

(62 Stat. 21; 41 U. S. C. 151-161)

Dated: April 26, 1955.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 55-3561; Filed, May 2, 1955; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 202]

RIGHTS-OF-WAY FOR PIPE LINES ON THE OUTER CONTINENTAL SHELF

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 5 (c) of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462; 43 U. S. C. 1331), it is proposed to issue regulations setting forth the rules governing the granting and administration of rights-of-way for pipe lines under that section of the act.

The proposed regulations are set forth below.

Interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed regulations to the Bureau of Land Management, Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

DOUGLAS MCKAY,
Secretary of the Interior.

APRIL 26, 1955.

A new Part 202 is added, reading as follows:

Sec.
202.1 Purpose and authority.
202.2 Definitions.
202.3 Application.
202.4 Persons qualified to acquire and hold rights-of-way.
202.5 Consent of or notice to lessee of leased area crossed by right-of-way.
202.6 Terms and conditions.
202.7 Approval of right-of-way.
202.8 Term of grant.
202.9 Proof of construction.
202.10 Assignment of right-of-way.

Sec.
202.11 Advance permission to commence construction.
202.12 Penalty for failure to comply with the act, regulations, or any conditions imposed under either.
202.13 Appeals.

AUTHORITY: §§ 202.1 to 202.13 issued under sec. 5 (c), 67 Stat. 464.

§ 202.1 *Purpose and authority.* Section 5 (c) of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 464), authorizes the Secretary of the Interior to grant rights-of-way for pipeline purposes for the transportation of oil, natural gas, sulphur, or other minerals. The purpose of the regulations in this part is to set forth the rules governing the granting and administration of such rights-of-way. The inclusion of this part in this title shall not be construed as an interpretation that the laws and regulations pertaining to public lands or to rights-of-way thereon are applicable to the submerged lands of the outer Continental Shelf.[1]

§ 202.2 *Definitions.* (a) "Secretary" means Secretary of the Interior.

(b) "Director" means Director, Bureau of Land Management.

(c) "Project" means the physical structures in connection with which the right-of-way is granted.

(d) "Construction work" means any and all work, temporary or permanent in nature, done in the construction of the project.

(e) "Right-of-way" includes the site on which the pipeline and associated structures are situated which shall not exceed 100 feet in width for pipelines and be limited to the area reasonably necessary for pumping stations or other accessory structures.

§ 202.3 *Application*—(a) *Form and requirements.* No special form of application is required. The application should be in typewritten form or legible handwriting. It must specify that it is made pursuant to the act and the regulations in this part and that applicant agrees that the right-of-way if approved will be subject to the terms and conditions of the regulations in this part. It should also state the primary purpose for which the right-of-way is to be used. The application must be filed in duplicate at the office of the Director, Washington 25, D. C. If the right-of-way has been utilized prior to the time the application is made, the application must state the date such utilization commenced and by whom, and the date applicant obtained control of the improvements. A filing fee of $10 must accompany the application.

(b) *Map showing survey.* Each application must be accompanied by a map, prepared on tracing linen, and three (3) print copies thereof, showing the center line of the right-of-way, properly identified so that the right-of-way may be accurately located by a competent engineer. The map should comply with the following requirements:

(1) The scale shall be at least 1:160,000.

(2) Courses and distances of the center line of the right-of-way shall be given either on the margin of the map or on an attached sheet or sheets with the courses referred to the true meridian, either by deflection from a line of known bearing or by independent observation and calculated distances in feet and decimals.

(3) The total distance and width of the right-of-way shall be given, and the diameter of the pipeline specified.

(4) The initial and terminal points of the right-of-way shall be accurately located by latitude and longitude or by grid references.

(5) Each copy of the map shall bear upon its face a statement of the engineer who made the map that the right-of-way is accurately represented upon the map.

(6) Payment of the first year's annual rental at the rate of $5 for each mile or fraction thereof of the right-of-way and $50 for each accessory site must accompany the application.

§ 202.4 *Persons qualified to acquire and hold rights-of-way.* (a) Applications may be filed by citizens of the United States, associations of such citizens, and by corporations organized under the laws of the United States or of any State or Territory thereof.

(b) An individual and each member of an association applying for a right-of-way must state in the application whether he is a native-born[2] or naturalized citizen of the United States.

(c) (1) A private corporation must file a certified copy of its charter or articles of incorporation.

(2) A corporation other than a private one must file a copy of the law under which it was organized and proof of its organization.

(3) A copy of the resolution or by-laws of the corporation authorizing the filing of the application must be filed.

(4) If the corporation has previously filed any or all of the papers required in subparagraphs (1), (2), and (3) of this paragraph, specific reference to such filing giving date, place, and case number will be accepted as full compliance with such requirements.

§ 202.5 *Consent of or notice to lessee of leased area crossed by right-of-way.* An applicant must show the extent to which the right-of-way applied for invades or crosses mineral leases other than his own and must submit with his application either the written consent of each lessee affected or a statement that he has delivered to each lessee whose lease is so affected by registered mail a copy of the application and map and he shall attach evidence of service thereon to his statement. If the statement is filed no final action will be taken on the right-of-way application until 30 days have elapsed after the last date of service of such papers, in order to afford the parties concerned ample opportunity to file protests against the granting of the right-of-way.

§ 202.6 *Terms and conditions.* An applicant, by accepting a right-of-way grant, agrees and consents to comply with and be bound by the following terms and conditions, excepting those which the Secretary may waive in a particular case:

(a) To comply with all existing regulations and with all existing and future regulations which the Secretary determines to be necessary and proper in order to provide for the prevention of waste and conservation of the natural resources of the outer Continental Shelf, and the protection of correlative rights therein.

(b) To transport or purchase without discrimination the minerals for the transportation of which the right-of-way is granted produced from the submerged lands in the vicinity of the pipeline in such proportionate amounts (1) as to gas, as the Federal Power Commission, (2) as to oil, as the Interstate Commerce Commission and (3) as to other minerals, as the Secretary may, after a full hearing with due notice thereof to the interested parties, determine to be reasonable, taking into account, among other things, conservation and the prevention of waste.

(c) To pay the United States, or its lessee, as the case may be, the full value for all damages to the property of the United States or its said lessee, and to indemnify the United States against any and all liability for damages to life, person, or property arising from the occupation and use of the area covered by the right-of-way.

(d) To keep the Director informed at all times of his address, and, if a corporation, of the address of its principal place of business and the name and address of the officer or agent authorized to receive service of notice. That in the construction, operation, and maintenance of the project, he shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin and shall require an identical provision in all subcontracts.

(e) That the allowance of the right-of-way shall be subject to the express condition that the rights granted will not prevent or interfere in any way with the management, administration of, or the granting either prior or subsequent to the right-of-way grant of other rights by the United States in, the submerged lands affected thereby, and that he agrees and consents to the occupancy and use by the United States or its lessees of any part of the right-of-way not actually occupied by the project, or necessarily incident to its use for any necessary operations involved in such management, administration or the enjoyment of such other granted rights.

(f) To pay annually on or prior to the anniversary day of the right-of-way grant an annual rental of $5 for each mile or fraction thereof traversed by the right-of-way and $50 for each area in excess of 100 feet in width applied for as the site for a pumping station or other accessory to the right-of-way.

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[1] Compliance with the regulations of this part does not obviate the necessity of compliance with requirements and regulations of the Department of the Army and the Coast Guard with respect to prevention of obstruction to navigation, lights, and warning devices, and other matters relating to safety of life and property, as authorized by section 4 of the act.

[2] "Natural-born" does not mean "native-born" and should not be substituted.

(g) That upon revocation or termination of the right-of-way, unless the requirement is waived in writing, he shall, so far as reasonably possible, restore the area of the right-of-way to its original condition.

§ 202.7 *Approval of right-of-way.* If the application and other required information are found to be in compliance with the law and regulations and the consents required by § 202.5 have been obtained or any protests filed as therein provided have been rejected, the right-of-way will be granted. If the right-of-way as applied for would cross any area withdrawn from disposal or restricted from exploration and operation it will be rejected unless the Federal agency in charge of withdrawn or restricted area shall give its consent to the granting of the right-of-way, but in such case the applicant upon request filed within 30 days after receipt of the rejection notice will be allowed an opportunity to file an amended application rerouting the proposed right-of-way so as to eliminate the conflict.

§ 202.8 *Term of grant.* Any right-of-way granted under this part shall be for so long as the pipeline is maintained and used for the purpose for which the grant was made, unless otherwise expressly stated in the grant. Cessation of use temporarily shall not terminate the grant, but if the purpose of the grant ceases to exist or use of the pipeline is permanently discontinued for any reason the grant shall be subject to forfeiture.

§ 202.9 *Proof of construction.* Failure to construct the pipeline within 5 years from the date of the grant shall be deemed to be an abandonment of the grant which will be forfeited by an appropriate proceeding. Proof of construction shall be submitted to the Director. Such proof shall consist of a statement by the holder of the right-of-way that the pipeline has been laid and is in operation. If there is any deviation from the right-of-way as shown on the original map, the unused portion of the grant must be relinquished and a map of the location of the right-of-way as constructed, prepared in accordance with § 202.3 must be furnished as soon as possible after the deviation is determined to be necessary or advisable. Any deviation made prior to approval of such supplemental plat will be at the risk of the right-of-way holder.

§ 202.10 *Assignment of right-of-way.* Assignment of a right-of-way must be filed in triplicate accompanied by an application for approval in which the assignee must make the showing required by § 202.4 and agree to the terms and conditions prescribed in § 202.6. No assignment shall be effective to transfer any rights until it is approved.

§ 202.11 *Advance permission to commence construction.* Upon a satisfactory showing of the need therefor, the Director may grant permission to commence construction of a pipeline in advance of any grant of the right-of-way but such permission is not a commitment that the right-of-way will be approved and all work done thereunder prior to the granting of the right-of-way will be at the applicant's risk. No advance permission will be granted for an area or areas not subject to a right-of-way grant.

§ 202.12 *Penalty for failure to comply with the act, regulations, or any conditions imposed under either.* As provided in the act, failure to comply with the act, regulations or any conditions prescribed by the Secretary as to the application therefor and the survey, location and width thereof and upon the express condition that such oil or gas pipelines shall transport or purchase without discrimination, oil or natural gas produced from said submerged lands in the vicinity of the pipeline in such proportionate amounts as the Federal Power Commission, in the case of gas, and the Interstate Commerce Commission, in the case of oil, may, after a full hearing with due notice thereof to the interested parties, determine to be reasonable, taking into account, among other things, conservation and the prevention of waste be grounds for forfeiture of the grant in an appropriate, judicial proceeding instituted by the United States in any United States District Court having jurisdiction under the provisions of section 4 (b) of the act. Upon relinquishment of any right-of-way or forfeiture of the grant, the right-of-way owner will be allowed one year in which to remove his improvements unless otherwise provided in the decree of forfeiture.

§ 202.13 *Appeals.* Any person aggrieved by any action taken by the Director, under this part has the right of appeal to the Secretary in accordance with the provisions and limitations provided in §§ 221.73 to 221.76 of this chapter. Nothing contained in this part shall be construed to prevent any interested party from seeking judicial review as authorized by law.

NOTE: The record keeping or reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[F. R. Doc. 55-3583; Filed, Apr. 29, 1955; 3:37 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 239, 260, 270]

FORMS FOR REGISTRATION STATEMENTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Commission has under consideration a proposed revision of Form S-1[1] (§ 239.11). This form is the one most generally used for the registration of securities under the Securities Act of 1933. The Commission is also considering the revision of certain related rules, and the revision of Form 10 (§ 249.210) under the Securities Exchange Act of 1934. The latter proposal will be announced by a separate release in the near future.

These proposals are part of the Commission's continuing review of the rules, regulations, forms and procedures adopted under the various statutes administered by it.

The proposed revision of Form S-1 has two principal purposes, the first is to conform its requirements, to the extent practicable, with the corresponding requirements of Schedule 14A of the Commission's proxy rules, and with the annual report Form 10-K (§ 249.310) under the Securities Exchange Act of 1934. The proposed revision of Form 10 has a similar purpose, and it is thus planned to bring the basic and most commonly used registration and reporting forms under the Securities Act of 1933 and the Securities Exchange Act of 1934 into conformity on parallel items so that registrants may report such information as is essentially similar in the same manner and subject to the same requirements under both statutes.

The second principal purpose of the proposed revision is to revise and clarify certain items of the form in the light of the Commission's experience in reviewing registration statements and of the practice followed by registrants using the form. An effort is made to state more clearly, and, in some instances, in more detail, those items which appear not to have been fully understood by a substantial number of registrants. Some items have been conformed to those in the new Form S-9 (§ 239.22). The treatment of stock options has been revised to obtain more complete information as to the aggregate amount of options outstanding at the date of the offering.

The proposed rule changes are primarily designed to define in rules under the Securities Act of 1933 certain terms now defined in rules under the Securities Exchange Act of 1934 which would be used in forms under both Acts, and to define the term "rules and regulations" as used in various statutes administered by the Commission, to make it clear that this includes the forms for registration adopted by the Commission under the Securities Act of 1933.

In connection with the revision it is proposed to rescind Supplement S-T, since it is believed that the significant information called for by that form will either be included elsewhere in the registration statement or will be otherwise available to the Commission.

The proposed action would be taken pursuant to the Securities Act of 1933, particularly sections 7, 10 and 19 (a) thereof, the Trust Indenture Act of 1939, particularly sections 305, 307 and 319 (a) thereof, and the Investment Company Act of 1940, particularly sections 24 and 38 (a) thereof.

1. A new § 230.130 (Rule 130) would be added as follows:

§ 230.130 *Definition of "rules and regulations" in connection with forms for registration.* The terms "rules and regulations" as used in section 7, paragraphs (a), (c) and (d) of section 10, and section 19 (a) of the act, shall include the forms for registration adopted or authorized by the Commission and the related instructions.

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[1] Filed as part of the original document.

2. Section 230.405 (Rule 405) would be amended by inserting the following definition of the term "associate" after the definition of the term "amount" and by inserting the following definition of the term "voting securities" at the end of the rule:

§ 230.405 *Definitions of terms.* * * * (b-1) *Associate.* The term "associate" used to indicate a relationship with any person, means (1) any corporation or organization (other than the registrant or a majority-owned subsidiary of the registrant) of which such person is an officer or partner or is, directly or indirectly, the beneficial owner of 10 percent or more of any class of equity securities, (2) any trust or other estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar fiduciary capacity, and (3) any relative or spouse of such person, or any relative of such spouse, who has the same home as such person or who is a director or officer of the registrant or any of its parents or subsidiaries.

* * * * *

(x) *Voting securities.* The term "voting securities" means securities the holders of which are presently entitled to vote for the election of directors.

3. A new § 230.416 (Rule 416) would be added as follows:

§ 230.416 *Securities to be issued under antidilution provisions.* If a registration statement purports to register securities to be offered pursuant to terms which provide for a change in the amount of securities being offered or issued to prevent dilution resulting from stock splits, stock dividends or similar transactions, such registration statement shall, unless otherwise expressly provided, be deemed to cover the additional securities to be offered or issued in connection with any such provision.

4. A new § 260.0-3 (Rule T-0-3) would be added as follows:

§ 260.0-3 *Definition of "rules and regulations" in connection with certain forms.* (a) The term "rules and regulations" as used in section 305 of the act shall include the forms for registration adopted or authorized by the Commission for the registration of securities under the Securities Act of 1933 and the related instructions, and the forms adopted by the Commission for information, documents and statements under section 305 of the act.

(b) The term "rules and regulations" as used in section 307 of the act shall include the forms adopted by the Commission for applications under section 307 of the act, and related instructions.

5. Section 270.24b-1 (Rule N-24b-1) would be amended by adding a new paragraph (c) as follows:

§ 270.24b-1 *Definitions.* * * *

(c) The term "rules and regulations" as used in section 24 (a) and section 24 (c) of the act shall include the forms for registration adopted or authorized by the Commission for the registration of securities under the Securities Act of 1933 and the related instructions.

All interested persons are invited to submit views and comments on the above mentioned proposals in writing to the Securities and Exchange Commission, Washington 25, D. C., on or before May 27, 1955. Unless any person submitting any such comments or suggestions requests in writing that they be held confidential, they will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APRIL 26, 1955.

[F. R. Doc. 55-3552; Filed, May 2, 1955; 8:46 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 6935 et al.]

PIEDMONT AVIATION, INC.

NOTICE OF HEARING

In the matter of the application of Piedmont Aviation, Inc., under section 401 of the Civil Aeronautics Act of 1938, as amended, for authority to extend segment 4 of route No. 87 to Washington, D. C., and the application for air service by the City of Staunton, Virginia.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, that a hearing in the above-entitled proceeding will be held on May 10, 1955, at 10:00 a. m., e. d. s. t., in Room 5132 Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Without limiting the scope of the issues presented by the applications consolidated herein, particular attention will be directed to the following matters:

1. Whether the public convenience and necessity require air service to Staunton, Virginia, and the amendment of the certificate of public convenience and necessity of Piedmont Aviation, Inc., authorizing the extension of segment 4 of route No. 87 to Washington, D. C.

2. Whether Piedmont Aviation, Inc., or any air carrier who may be authorized to serve Staunton, Virginia, is fit, willing and able properly to perform the air transportation to be authorized and to conform to the provisions of the Act and the rules, regulations and requirements of the Board thereunder.

For further details of the issues involved in this proceeding, interested persons are referred to the applications, the prehearing conference report, and consolidation Order No. E-9092, comprised in the record of this proceeding on file with the Civil Aeronautics Board.

Notice is further given that any person other than a party of record, desiring to be heard in this proceeding must file with the Board on or before May 10, 1955, a statement setting forth the propositions of fact or law which he desires to advance.

Dated at Washington, D. C., April 28, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-3567; Filed, May 2, 1955; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Idaho 03851]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

Pursuant to a determination of August 12, 1952, of the Federal Power Commission, Docket No. DA-431 Idaho, and in accordance with authority delegated to me by the Director, Bureau of Land Management, by section 2.5 of Order No. 541, dated April 21, 1954 (19 F. R. 2473, 2476), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn or reserved for power purposes, are hereby opened to disposition under applicable public land laws as provided below, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended, subject to the stipulation that if and when the lands, or any part thereof, are required for power development, and structures or improvements placed thereon which shall be found to interfere with such development shall be removed or relocated so as to eliminate such interference without expense to the United States, its permittees or licensees.

BOISE MERIDIAN, IDAHO

T. 59 N., R. 4 W.,
Sec. 6, Exchange Survey No. 822.

The land, which extends along the right bank of the Priest River for a distance of approximately 450 feet, was reserved April 13, 1928, pursuant to the filing of an application for license for proposed water-power project No. 885, which license was terminated April 21, 1936. The land was also involved in the June 6, 1936, application for license for proposed water-power project No. 1379, which license was terminated October 3, 1939, and in the April 9, 1941, application for license for proposed water-power project No. 1854, which application was dismissed January 5, 1945. All three of the proposed projects would have used a portion of the land for flowage purposes.

The land constitutes 1.98 acres of the 38.50 acres in Lot 8. It is located about .75 mile downstream from the outlet of Priest Lake and approximately 1.25 miles upstream from the proposed dam site of the proposed water-power projects Nos. 885, 1379, and 1854.

This restoration is made in furtherance of an exchange under the act of March 20, 1922 (42 Stat. 465) as amended by the act of February 28, 1925 (43 Stat. 1090), by which the offered lands will benefit a Federal land program. This restoration is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, granting preference rights to veterans of World War II and others.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 55-3546; Filed, May 2, 1955; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF PACIFIC INDONESIAN CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 6060-A, between the member lines of the Pacific Indonesian Conference and the carriers comprising the Fern-Ville Far East Lines joint service, covers the admission of the joint service to associate membership in that conference. As associate member, the joint service will be obligated to abide by all the rates, rules, regulations and decisions of the conference; will have no vote in conference affairs, but will be permitted to participate in conference contracts with shippers.

(2) Agreement No. 7997-1, between Naviera Garcia, S. A., Cia. Naviera Cubamar, S. A., and Lykes Bros. Steamship Co., Inc., modifies the West Gulf-Havana Pool Agreement (No. 7997) to include propane gas, butane gas, and carbon black as commodities to be excepted from the pool. Commodities presently excepted from the pool are mail, bulk shipments of wheat, sulphur, and fertilizer.

(3) Agreement No. 8034, between Niagara Lijn N. V., Rederi A. B. Ragne and Rederi A. B. Ferlef, is a cooperative working arrangement which provides that Ragne and Ferlef will each charter one of their vessels to Niagara which Niagara will operate in addition to its own vessels under the trade name Niagara Line between Great Lakes ports of the United States and Canada, the St. Lawrence River, Nova Scotia, Newfoundland and New Brunswick, as Western termini, and ports in the Mediterranean Sea, on the West Coast of Africa, and Continental European ports south of Bordeaux, as Eastern termini. The agreement further provides that Ragne and Ferlef will not operate any vessels as common carriers of cargo or passengers in this trade during the term of the agreement.

(4) Agreement No. 3868-12, between the member lines of the Atlantic and Gulf/Panama Canal Zone, Colon, and Panama City Conference, modifies the basic agreement of that conference (No. 3868) to include within its geographic scope the trade from Colon, Panama City, and Canal Zone, to United States Atlantic and Gulf ports. Agreement No. 3868 presently covers the trade from United States Atlantic and Gulf ports to Colon, Panama City, and Canal Zone.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 28, 1955.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 55-3575; Filed, May 2, 1955; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-3239, G-4679, G-4741—G-4754, G-6814, G-8241, G-8490]

HUNTER CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

APRIL 27, 1955.

In the matters of the Hunter Company, et al., Docket No. G-3239; Texon Gas, Inc., Docket No. G-4679; El Paso Natural Gas Company, Docket No. G-8241; George Jackson, d/b/a Twin Cities Gas Company, Docket Nos. G-4741, G-4742, G-4743, G-4744, G-4745, G-4746, G-4747, G-4748, G-4749, G-4750, G-4751, G-4752, G-4753 and G-4754; Arkansas Louisiana Gas Company, Docket No. G-6814; Algonquin Gas Transmission Company, Docket No. G-8490.

Notice is hereby given that on April 18, 1955, the Federal Power Commission issued its findings and orders adopted April 14, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3548; Filed, May 2, 1955; 8:45 a. m.]

[Docket Nos. G-4652, G-4680, G-4681, G-4731, G-4734, G-4767, G-5706, G-6496]

PLACID OIL CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

APRIL 27, 1955.

In the matters of Placid Oil Company, Docket No. G-4652; Delbert Bachelor, et al., Docket No. G-4680; M. B. Chastain, et al., Docket No. G-4681; J. Robert Horner, Docket No. G-4731; Bracken Oil Company, Docket No. G-4734; Liming and Summers, Docket No. G-4767; Dorchester Corporation, Docket No. G-5706; E. J. Dunigan, Jr., and I. J. Huval, Docket No. G-6496.

Notice is hereby given that on April 19, 1955, the Federal Power Commission issued its findings and orders adopted April 14, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3549; Filed, May 2, 1955; 8:45 a. m.]

[Docket No. G-4769]

EL PASO NATURAL GAS CO.

NOTICE OF ORDER GRANTING SPECIAL PERMISSION TO FILE CHANGES AND MAKING EFFECTIVE PROPOSED TARIFF CHANGES AND AMENDING ORDER PROVIDING FOR HEARING

APRIL 28, 1955.

Notice is hereby given that on April 25, 1955, the Federal Power Commission issued its order adopted April 14, 1955, granting special permission to file changes in suspended tariff sheets and making effective proposed tariff changes upon filing of undertaking to assure refund of excess charges and amending order providing for hearing in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-3558; Filed, May 2, 1955; 8:47 a. m.]

[Docket Nos. G-6060, G-6855]

UNITED GAS PIPE LINE CO.

NOTICE OF FINDINGS AND ORDERS

APRIL 28, 1955.

In the matters of United Gas Pipe Line Company, Docket No. G-6060; United Gas Pipe Line Company, Docket No. G-6855.

Notice is hereby given that on April 15, 1955, the Federal Power Commission issued its findings and orders adopted April 14, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-3559; Filed, May 2, 1955; 8:48 a. m.]

[Docket Nos. G-7029, G-8286, G-8289]

TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL.

NOTICE OF SEVERANCE AND CONSOLIDATION AND POSTPONEMENT OF HEARING

APRIL 27, 1955.

In the matters of Transcontinental Gas Pipe Line Corporation, Docket No.

G–7029; Sunray Oil Corporation, Docket No. G–8286; Buffalo Oil Company, Docket No. G–8289.

Upon consideration of the motion of Transcontinental Gas Pipe Line Corporation, filed April 5, 1955, for severance and consolidation of the proceeding in Docket No. G–7029 and a motion of Sunray Oil Corporation and Buffalo Oil Company, filed April 22, 1955, for continuance of the hearing now scheduled for May 9, 1955, on the applications in Docket Nos. G–8286 and G–8289;

Notice is hereby given that the proceeding in Docket No. G–7029 is severed from the proceedings at Docket Nos. G–3045, et al. and that said Docket No. G–7029 is consolidated for purposes of hearing with the applications at Docket Nos. G–8285 and G–8289, and that the hearing now scheduled for May 9, 1955 in Docket Nos. G–8286 and G–8289 is postponed to a date to be fixed by further notice.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–3556; Filed, May 2, 1955; 8:47 a. m.]

[Docket Nos. G–8487, G–8511]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND MICHIGAN WISCONSIN PIPE LINE CO.

NOTICE OF ORDERS MAKING EFFECTIVE REVISED TARIFF SHEETS UPON FILING OF UNDERTAKING TO ASSURE REFUND OF EXCESS CHARGES

APRIL 28, 1955.

In the matters of Transcontinental Gas Pipe Line Corporation, Docket No. G–8487; Michigan Wisconsin Pipe Line Company, Docket No. G–8511.

Notice is hereby given that on April 15, 1955, the Federal Power Commission issued its orders adopted April 14, 1955, making effective revised tariff sheets upon filing of undertaking to assure refund of excess charges in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55–3560; Filed, May 2, 1955; 8:48 a. m.]

[Docket No. G–8534]

PHILLIPS PETROLEUM CO.

NOTICE OF CONTINUANCE OF HEARING

APRIL 28, 1955.

Upon consideration of the motion of Phillips Petroleum Company, filed April 27, 1955, for postponement of the hearing now scheduled for May 2, 1955, in the above-designated matter;

Notice is hereby given that the hearing now scheduled for May 2, 1955, is hereby postponed to 10:00 a. m., d. s. t., May 16, 1955, in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55–3555; Filed, May 2, 1955; 8:47 a. m.]

[Project No. 2107]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION FOR AMENDMENT OF PLANS

APRIL 27, 1955.

Public notice is hereby given that Pacific Gas and Electric Company, of San Francisco, California, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for amendment of plans for water-power Project No. 2107, located on the North Fork Feather River in Butte County, California, in the vicinity of Quincy and Oroville, to increase the project area and modify the details of the dam at the left abutment and alignment of the tunnel intake. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10), the time within which such petitions must be filed being specified in the rules. The last date upon which protests may be filed is June 3, 1955. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55–3557; Filed, May 2, 1955; 8:47 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21–442]

REFRIGERATION AND AIR-CONDITIONING CONTRACTING INDUSTRY

NOTICE OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference for the Refrigeration and Air-Conditioning Contracting Industry will be held by the Federal Trade Commission in the Press Gallery of the LaSalle Hotel, Chicago, Illinois, on May 20, 1955, commencing at 10 a. m., c. d. t.

All persons, firms, corporations, and organizations engaged in the sale and installation of mechanical refrigeration units and equipment for commercial or industrial use, and/or mechanical air-conditioning units and equipment for commercial, industrial, or home use, are cordially invited to attend and participate in the conference proceedings. "Installation," as used in this paragraph, involves engineering service.

The purpose of the conference is to afford industry members an opportunity to consider and propose for establishment, subject to the Commission's approval, a comprehensive set of trade practice rules for the industry which are designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses which are violative of laws administered by the Commission.

After the conference on May 20, and before final rules are approved by the Commission, a draft of proposed rules in the form deemed appropriate will be made available to all interested and affected parties, including consumers, upon public notice affording them opportunity to present their views, criticisms, and suggestions respecting the rules, and to be heard at a public hearing the time and place of which will be announced by the Commission.

Issued: April 28, 1955.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55–3568; Filed, May 2, 1955; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 28, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 30559: Paper and paper articles to the Southwest, Kansas and Missouri. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on paper and related paper articles, carloads, from specified points in southern, official (including Illinois), and western trunk-line territories, to specified points in Arkansas, Kansas, Louisiana (west of the Mississippi River), Missouri, New Mexico, Oklahoma and Texas.

Grounds for relief: Short-line distance formulas, circuity, and maintenance of different levels of rates in intermediate territories.

Tariff: Supplement 14 to F. C. Kratzmeir's I. C. C. 4134.

FSA No. 30560: Paper and paper articles—Michigan, Minnesota, and Wisconsin to the Southwest. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on paper and related articles, carloads, from specified points in Michigan, Minnesota, and Wisconsin, to specified points in Arkansas, Louisiana (west of the Mississippi River), Missouri, New Mexico, Oklahoma and Texas.

Grounds for relief: Short-line distance formula, circuity, and maintenance of different levels of rates in intermediate territories.

Tariff: Supplement 14 to F. C. Kratzmeir's I. C. C. 4134.

FSA No. 30561: Paper and Paper articles, between points in southern, and from the South to Official and Western Trunk Line Territories. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on paper and related paper articles, carloads, also empty returned wooden skids, carloads, between points in southern territory and from points in southern territory to points in official and western trunk-line territories.

Grounds for relief: Short-line distance formulas, circuity, and maintenance of different levels of rates in intermediate territories.

Tariff: C. A. Spaninger's I. C. C. 1466.

FSA No. 30562: Soda ash—Detroit, Mich., to Muncie, Ind. Filed by H. R. Hinsch, Agent, for and on behalf of The Chesapeake and Ohio Railway Company.

Rates on soda ash, carloads, from Detroit, Mich., to Muncie, Ind.

Grounds for relief: Motor truck competition.

Tariff: Supplement 230 to R. B. LeGrande's I. C. C. 13168.

FSA No. 30563: Coke, from Ashland, Ky., to Chicago District. Filed by The Chesapeake and Ohio Railway Company, for itself and on behalf of the Elgin, Joliet and Eastern Railway Company. Rates on blast furnace coke, carloads, from Ashland, Ky., to Hammond, Ind., Chicago, Ill., and points in the Chicago district in Illinois and Indiana.

Grounds for relief: Market competition.

Tariff: Supplement 17 to Chesapeake and Ohio Railway I. C. C. 13085.

FSA No. 30564: Merchandise—Chicago, Ill., and District to Laurel, Miss. Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on various commodities, in mixed carloads, from Chicago, Ill., and points in the Chicago district, to Laurel, Miss.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 9 to R. G. Raasch's I. C. C. 789.

FSA No. 30565: Merchandise—Chicago, Ill., and District to Douglasville, Ga. Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on various commodities, in mixed carloads, from Chicago, Ill., and points in Chicago district, to Douglasville, Ga.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 9 to R. G. Raasch's I. C. C. 789.

FSA No. 30566: Merchandise—Chicago, Ill., and District to Tennessee. Filed by R. G. Raasch, Agent, for interested rail carriers. Various commodities, in mixed carloads, from Chicago, Ill., and points in the Chicago district, to Clarksville and Gibson, Tenn.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 9 to R. G. Raasch's I. C. C. 789.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-3553; Filed, May 2, 1955; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24S-1262]

ALASKA GULF OIL AND GAS DEVELOPMENT, INC.

ORDER VACATING ORDER OF SUSPENSION

APRIL 27, 1955.

Alaska Gulf Oil and Gas Development, Inc. (hereinafter referred to as the "issuer") filed, on March 22, 1954, with the Commission a Notification on Form 1-A and an amendment thereto on April 27, 1954, relating to a proposed public offering of 230,000 shares of its $1 par value common stock at $1 per share for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, as amended, pursuant to section 3 (b) thereof, and Regulation A promulgated thereunder.

The Commission on September 3, 1954 ordered, pursuant to Rule 223 (a) of the general rules and regulations under said act, that the conditional exemption under Regulation A be temporarily suspended on the grounds that the issuer failed to file with the Commission, prior to publication, as required by the provisions of said Regulation A, an advertisement in the Anchorage Daily Times and that said advertisement contained untrue statements of material facts or omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading in the respects described in said order; the order gave notice that, upon receipt of a written request, the matter would be set down for hearing within twenty days after receipt of such request at a place to be designated by the Commission, for the purpose of determining whether said temporary order of suspension should be vacated.

The Commission has been advised that the former president and controlling person of the issuer who was responsible for and caused said advertisement to be published, has divested himself of his entire stock interest in the issuer and is no longer connected with the issuer in any capacity whatsoever except as the owner of a 3 percent overriding royalty interest upon certain leasehold acreage previously assigned by him to the issuer; and that the issuer has urgent need for funds in order to carry out its proposed drilling program.

It appearing to the Commission that a hearing is not necessary or appropriate in the public interest or for the protection of investors and that the basis for said temporary order of suspension, as aforesaid, no longer exists;

It is ordered, Pursuant to Rule 223 (b) of the general rules and regulations under the Securities Act of 1933, as amended, that said temporary order of suspension be, and it hereby is, vacated.

It is further ordered, That this order shall be served upon Alaska Gulf Oil and Gas Development, Inc., personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-3551; Filed, May 2, 1955; 8:46 a. m.]